

Docket No.: 408-001



AF

TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Enrique Molina )  
Serial No.: 09/995,486 ) Art Unit 3635  
Filed: November 28, 2001 ) Examiner:  
For: BUILDING CONSTRUCTION SYSTEM ) Jeanette E. Chapman

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION MADE PREMATURELY FINAL**

This is in response to an outstanding office action of January 26, 2006 in which the new examiner cites a new reference; rejects the remaining amended claims based on the new reference; and makes the action Final because "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." Applicant's amendment presented no new issues.

Claims 1, 3-7, and 48-50 are in the case and rejected; claims 2, 8, 11-13, and 30 are cancelled; claims 9-10, 14-16, 28-29, and 31-35 are withdrawn but were previously presented as amended, and Applicant requests that these claims be re-instituted; and claims 18-27 and 36-47 stand withdrawn as non-elected restricted claims. Withdrawn claim 17 was previously amended to be dependent from claim 48, should be in the case, and should have been acted on.

Claims 1, 3-7, and 48-50 are rejected under 35 U.S.C. § 103 as being unpatentable over Hibbard (4,768,324) in view of Wepf (4,234,156) and the rejection is made FINAL. Applicant respectfully submits that the Finality of the office action is premature and improper.

All of the foregoing claims now in the case are presented pursuant 37 CFR 1.121 as follows: